

Drawing Amendments

Please replace the original drawings with the replacement sheets enclosed herewith.

REMARKS

This application has been amended by rewriting claims 1, 2 and 4. Claims 1-6 remain in the application for reconsideration.

The Examiner rejected claims 1-6 on the ground of nonstatutory obviousness-type double patenting, as being unpatentable over claims 1-8 of US Patent No. 6,869,359. A terminal disclaimer will be filed upon notification of the allowance of this application.

The Examiner has required new corrected drawings. A set of replacement sheets of drawings are enclosed herewith, which are believed to be in compliance with 37 CFR 1.121(d).

The Examiner rejected claims 1, 2, 4 & 5 under 35 USC 103(a) as being unpatentable over Fey (publication) in view of Stern (US 2002/0074725). Claims 1, 2 and 4 (the independent claims), have been rewritten, and are now believed allowable. Claim 5 depends directly from rewritten claim 4, and is therefore believed allowable.

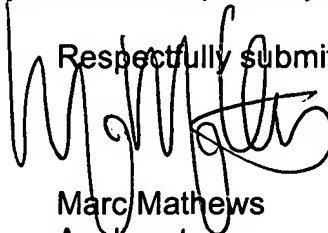
Claims 1, 2 and 4 have been rewritten to further recite the fact that the symbols displayed in the windows of the gaming apparatus have a prioritized significance in the particular sport that is presented on the gaming device. As noted on pages 9 and 10 of the specification, different levels of payout are provided in the various winning combinations. These payouts are related directly to the particular symbol displayed, and thereby on the prioritization of the significance of that symbol in the sport. In the payout schedule shown on page 10 of the specification, it can be seen that the payout for running plays and passing plays are small. A more significant play in football is the scoring of points by way of a field goal. Thus, the payout for symbols for field goals is "medium", and greater than that of the payout for the symbols for running and passing

plays. Because touchdowns are more significant in football than are field goals, the payout for the symbols representing touchdowns is greater than that for field goals (shown as "large" in the schedule on page 10).

This prioritization of payouts based upon the significance of the action depicted by the symbol displayed in the winning payout line, has been added as a feature of the independent claims of the application. None of the prior art discloses or suggests such a feature. It is therefore believed that claims 1, 2 and 4, as amended, are allowable over the cited references.

The Examiner rejected claims 3 and 6 under 35 USC 103(a) as being unpatentable over Fey in view of Stern, and further in view of Morro et al. Claims 3 and 6 depend indirectly from rewritten claims 2 and 4, respectively, and are therefore believed allowable.

For the reasons above, it is believed that this application is now in condition for allowance. Reconsideration of the rejections is respectfully requested.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that the original response, replacement drawings and Terminal Disclaimer for application **Ser. No. 10/642,465** enclosed herewith, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

on this 8 day of MAY, 2006.



Marc Mathews